IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

WP(C).No. 11126 of 2007(Y)

OS.230/2006 of MUNSIFF COURT,ALUVA
.....

PETITIONER:

T.D.YOHANNAN,
S/O.DEVASSY, THALIAN HOUSE, KANOOR KARA,
THEKKUMBHAGAM VILLAGE.

BY ADV. SRI.K.J.SAJI ISAAC
DR.ELIZABETH VARKEY

RESPONDENTS:

C.A.PETER,
S/O ANTHROYOSE, CHAKKEDATHU HOUSE,
PUTHENKURISU KARA, PUTHENKURISU VILLAGE.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 11126/2007 Y

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE CC NO. 428/2006 BEFORE THE MAGISTRATE COURT, PERUMBAVOOR.

EXT.P2. COPY OF THE PLAINT IN OS NO. 230/2006 BEFORE THE MUNSIFF COURT, ALUVA.

EXT.P3. COPY OF THE INTERROGATORIES FILED BY THE RESPONDENT HEREIN BEFORE THE MUNSIFF COURT, ALUVA,

EXT.P4. COPY OF THE ORDER IN IA NO. 1591/2006 IN O.S NO. 230/2006 BEFORE THE MUNSIFF COURT, ALUVA.

True copy

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M.N.KRISHNAN, J

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W.P.(C) No.11126 OF 2007

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Dated this the 30th day of May, 2007

JUDGMENT

This writ petition is preferred challenging the order in I.A.No.1591 of 2006 in O.S.No.230 of 2006 directing the defendant to answer certain interrogatories. Ext.P3 is the copy of the interrogatories. The court, on a consideration of the materials found that it cannot be held that the petition is not maintainable and that questions put are not irrelevant for the adjudication of the dispute.

2. Heard learned counsel for the petitioner. I have perused the questions as well as the plaint. Since the materials sought for cannot be termed as irrelevant or as it is not in the nature of fishing out the evidence, it has to be held that the questions are liable to be answered. Whatever particulars or materials are available with reference to questions 1 to 4, the writ petitioner may give such materials and in case of non-availability he

can express the same and answer the questions accordingly.

With these observations, the writ petition is disposed of.

M.N.KRISHNAN, JUDGE

Cdp/-